



# BREAK TIME FOR NURSING MOTHERS, BREASTFEEDING OR BREASTMILK EXTRACTION REGULATION

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**Article 1 – Title.**

This Regulation shall be known by the name of "Break Time for Breastfeeding or Extraction of Breastmilk Regulation".

**Article 2 - Legal Base.**

This Regulation is adopted in accordance with the legal authority conferred by Law No. 23-1991, as amended, known as the "Law of the Institutional Trust of the Puerto Rico National Guard". In addition, it is enacted in accordance with the provisions of Law No. 427-2000, as amended, known as the "Law to Regulate the Period of Breastfeeding or Extraction of Breastmilk" as well as Law No. 155-2002, as amended, known as the "Law to Order Secretaries, Agency Directors, Presidents of Public Corporations, and Directors and Administrators of the Public Instrumentalities of the Commonwealth of Puerto Rico to designate nursing spaces safeguard the right to privacy of every infant in the workplace." Finally, this Regulation is adopted in accordance with Article 2.04 of Law No. 26-2017, known as the "Tax Plan Compliance Act".

**Article 3 – Purpose.**

The purpose of this Regulation is to state the rules governing the establishment and use of an area or physical space for breastfeeding or extraction of breastmilk in the Institutional Trust of the Puerto Rico National Guard. In addition, it is intended to safeguard the right to privacy of FIGNA's working mothers when nursing their children or extracting breastmilk.

**Article 4 - Terms and Definitions.**

- a. **Nursing Area or Space** - designated physical space that guarantees the nursing mother privacy, safety and hygiene. It may not be the bathroom toilets or toilet areas.

- b. **Child** - any infant under one (1) year who is breastfed.
- c. **FIGNA** - Institutional Trust of the Puerto Rico National Guard.
- d. **Employee** – Career, trusted and/or transitional employee of FIGNA.
- e. **Breastmilk extraction** - a process by which the mother, with the right equipment, extracts breastmilk from her body.
- f. **Full-time workday** - full-time day of seven (7) hours and a half (1/2).
- g. **Part-time workday** - Work day of less than seven (7) hours and a half (1/2).
- h. **Lactate** - Act of breastfeeding the child with breastmilk.
- i. **Breastfeeding Mother** - every woman who works at FIGNA who has given birth to a child, either by natural means or surgery, and who is raising her baby or who has adopted a child and, by the intervention of scientific methods, have the ability to breastfeed.

#### **Article 5 - Responsibilities of Executive Director.**

The Executive Director has the following responsibilities:

- a. Coordinate and verify FIGNA's compliance with the provisions governing the right of any working mother to a designated physical space for breastfeeding or extraction of breastmilk established by law and by this regulation.
- b. Provide information on the rights that are recognized to any mother employed, in the matter of lactation, including the related areas or nursing spaces and the standards for their proper use.
- c. Require and verify that all FIGNA offices have or designate an area or nursing area that guarantees privacy, safety and hygiene to the nursing mother.
- d. Keep a record of use for the nursing space at the FIGNA Central Offices, located on the second floor (2nd floor), lactation room, next to the bathrooms, in Building No. 27 of Muñiz Air Base, located in Carolina, Puerto Rico, and guard the key.

The Executive Director may appoint part of his staff to oversee compliance with the provisions established by law and in this regulation.

**Article 6 - Breastfeeding or Breastmilk Extraction Period.**

- a. The period of lactation or extraction of breastmilk has a maximum duration of twelve (12) months, counted from the reinstatement of the employee to her duties. Breastfeeding mothers should apply for the Breastfeeding or Breastmilk Extraction Application Form to agree on the schedule and make use of the nursing area or space. See, *Appendix 1*.
- b. Every nursing mother with a full-time day has one (1) hour to breastfeed or to extract breastmilk, which can be distributed in two (2) thirty-minute periods each or in three (3) twenty-minute periods each. If the employee is working part-time and the workday exceeds four (4) hours, the period granted will be thirty (30) minutes for each period of four (4) consecutive hours of work. Once the schedule of lactating or extracting breastmilk between the nursing mother and the immediate supervisor has been agreed, it cannot be changed without the express consent of both parties.

**Article 7 – Requirements.**

Any nursing mother who wishes to breastfeed or obtain breastmilk must submit to her immediate supervisor a medical certification proving that she is nursing her baby. Such certification must be submitted during the period corresponding to the fourth (4th) and eighth (8th) month of age of the child. Such certification must be submitted no later than the fifth (5th) day of the beginning of each period.

**Article 8 - Area or Spaces for Breastfeeding.**

- a. FIGNA shall designate a space or nursing area that guarantees privacy, safety and hygiene to the nursing mother, without entailing the creation or construction of structures, and

subject to the availability of resources. The physical space for lactation may not coincide with the area for health services. Where the selected nursing area or space does not guarantee privacy, safety and hygiene, the Executive Director may require that another location be enabled or located.

- b. The nursing area or space should be private (preferably closed by lock and key), have electrical power sockets and ventilation. As a minimum, it must contain one (1) trashcan, one (1) table and one (1) chair.
- c. The breastfeeding area or space can be used from 7:00am to 3:30pm.
- d. The nursing mother shall record the time before and after the breastfeeding period so that the use of this benefit can be kept on record.
- e. The nursing area or space in the central FIGNA building will be available for use by visitors who want to breastfeed their children or extract breastmilk.

**Article 9 - Rules for Use.**

- a. The nursing mother must sign the control sheet of the FIGNA breastfeeding area in order to obtain the key. Once the breastfeeding period is over, you will need to hand over the key and sign the control sheet.
- b. Breastfeeding areas or spaces should be clean and free of risks to the safety of nursing mothers. It is up to the nursing mother to notify the administration if the breastfeeding area or space is not fit for use, in order to address the situation as soon as possible.
- c. FIGNA is not responsible for objects, equipment and extracted breastmilk left in the area or nursing space.

**Article 10 – Repeal and Previous Provisions.**

This is the first time that a "*Regulation for the Use of Security Cameras and Surveillance*" has been established for the Institutional Trust of the Puerto Rico National Guard. However, any Administrative Order or official document related to the subject is repealed. Any prior communication, verbal or written or part thereof that conflicts with this Regulation, is void after it enters into force.

**Article 11 - Amendments.**

The provisions of this Regulation may be amended at any time, as required by the Trust's operations and in accordance with the provisions of Law No. 38 of 2017, as amended, known as the "Law on Uniform Administrative Procedures of the Government of Puerto Rico."

**Article 12 - Separability Clause.**

In the event that any article, section, subparagraph, word or part of this Regulation is declared unconstitutional or void by a competent court, such declaration shall not affect, impair or invalidate the remaining provisions, which shall continue to be in full force.

**Article 13 – Effective Date.**

Upon approval by the Board of Directors, this Regulation will take effect immediately upon completion of the State Department filing process, in accordance with the provisions of Law No. 38 of 2017, as amended, known as the "Law on Uniform Administrative Procedures of the Government of Puerto Rico".

**APPROVED:**

José J. Reyes Peredo  
President  
Board of Directors  
Institutional Trust of the  
Puerto Rico National Guard

I, Andrés Ruíz, Secretary of the Board of Directors of the Institutional Trust of the Puerto Rico National

Guard (FIGNA), **certify** that this Break Time for Breastfeeding or Extraction of Breastmilk Regulation was duly approved by the Board of Directors of FIGNA at the meeting held on February 12, 2020. As provided by the State Department, it shall enter into effect immediately after its proper filing in the State Department, in accordance with the provisions of Law No. 38 of 2017, as amended, known as the "Law of Uniform Administrative Procedures of the Government of Puerto Rico".

Andrés Ruíz  
Secretary  
Board of Directors  
Institutional Trust of the  
Puerto Rico National Guard





**APPLICATION FOR BREASTFEEDING OR BREASTMILK EXTRACTION PERIOD**

I, \_\_\_\_\_, request the granting of a breastfeeding or breastmilk extraction period under the law, which provides **(mark with an X)** [ ] one (1) hour within each full-time day, which can be distributed in two (2) periods of thirty (30) minutes, or three (3) periods of twenty (20) minutes; [ ] thirty (30) minutes for each period of four (4) consecutive hours of part-time work; to breastfeed or extract breastmilk for a period of twelve (12) months from the date of reinstatement to my duties.

Date of delivery: \_\_\_\_\_  
Date of reinstatement after delivery: \_\_\_\_\_  
Date of completion of the twelve (12) month period: \_\_\_\_\_  
Schedule agreed: \_\_\_\_\_

Agreed on breastfeeding or breastmilk extraction hours between \_\_\_\_\_ (nursing mother-employee) and \_\_\_\_\_ (supervisor), it will not be changed without the express consent of both parties.

\_\_\_\_\_ (nursing employee-mother) recognizes the obligation to submit to the Executive Director (or his designated representative) a medical certification during the period corresponding to the fourth (4th) and eighth (8th) month of age of the infant, to certify that you've been nursing your baby. Such certification must be submitted no later than five (5) days before each period.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Executive Director's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

